

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

April 25, 2007
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor James M. Cavanaugh, Goodyear, Chair	Councilmember Marcie Ellis for Mayor
Mayor Mary Manross, Scottsdale, Vice Chair	Thomas Schoaf, Litchfield Park
* Mayor Douglas Coleman, Apache Junction	Supervisor Don Stapley, Maricopa County
Mayor Marie Lopez Rogers, Avondale	Mayor Keno Hawker, Mesa
Mayor Bobby Bryant, Buckeye	Mayor Ed Winkler, Paradise Valley
Mayor Edward Morgan, Carefree	Vice Mayor Vicki Hunt for Mayor Bob
Vice Mayor Dick Esser, Cave Creek	Barrett, Peoria
Mayor Boyd Dunn, Chandler	Councilmember Peggy Neely, Phoenix
* Mayor Fred Waterman, El Mirage	Mayor Art Sanders, Queen Creek
* President Raphael Bear, Fort McDowell	* President Joni Ramos, Salt River
Yavapai Nation	Pima-Maricopa Indian Community
Mayor Wally Nichols, Fountain Hills	# Mayor Joan Shafer, Surprise
Mayor Daniel Birchfield, Gila Bend	# Mayor Hugh Hallman, Tempe
* Governor William Rhodes, Gila River Indian	* Mayor Adolfo Gamez, Tolleson
Community	+ Mayor Ron Badowski, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Michael LeVault, Youngtown
* Mayor Elaine Scruggs, Glendale	* Joe Lane, State Transportation Board
* Mayor Bernadette Jimenez, Guadalupe	Felipe Zubia, State Transportation Board
	F. Rockne Arnett, Citizens Transportation
	Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Chair James M. Cavanaugh at 5:05 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Cavanaugh noted that Mayor Joan Shafer and Mayor Hugh Hallman were participating by telephone, and Mayor Ron Badowski was participating by videoconference. Chair Cavanaugh welcomed Councilmember Marcie Ellis as proxy for Mayor Tom Schoaf of Litchfield Park and Vice Mayor Vicki Hunt as proxy for Mayor Bob Barrett of Peoria.

Chair Cavanaugh noted that materials at each place: For agenda item #4, written statements submitted for the record by citizens; for agenda item #6E, Project Change Sheet 6; for agenda item #8, a memorandum announcing appointments to the 2007 Nominating Committee; and for agenda item #10, a bill summary chart. Chair Cavanaugh stated that parking validation and transit tickets were available from MAG staff.

3. Special Recognition of MAG's 40th Birthday

Chair Cavanaugh stated that on April 12, 2007, MAG marked its 40th birthday. He provided a review of highlights in MAG's history and introduced past MAG officers in attendance at the Regional Council meeting, including former Chandler Mayors Ken Thomas, Jim Patterson, and Jerry Brooks; former Glendale Mayor Max Klass; former Litchfield Park Mayor Woody Thomas; former Mesa Mayor Peggy Rubach; former Maricopa County Supervisor Fred Koory; former Phoenix Mayor John Driggs; former Phoenix Councilmember Ken O'Dell; former Queen Creek Mayor Wendy Feldman-Kerr; and former Scottsdale Mayor William Jenkins. Chair Cavanaugh recognized current officers in attendance: Mayor Keno Hawker, Mesa; Mayor Mary Manross, Scottsdale; and Mayor Joan Shafer, Surprise. Chair Cavanaugh introduced Ken Driggs, who served as MAG staff coordinator from 1968 to 1986.

Mayor Dunn expressed how exciting it was to have three former mayors of Chandler present at the meeting. He noted this represented significant service to MAG by the City of Chandler.

4. Call to the Audience

Chair Cavanaugh noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Cavanaugh recognized public comment from Chuck Ullman, representing the Property Owners and Residents Association of Sun City West (PORA). Mr. Ullman conveyed a message on behalf of the residents in the vicinity of Loop 303 and Deer Valley Road to clarify the commitments made by ADOT and the Maricopa County Department of Transportation at public meetings in January and April 1997. Mr. Ullman read from a report that said MCDOT would use rubberized asphalt and locate the initial two lanes of traffic to the northernmost portion of the road. The report says that as a result, noise will be significantly lower. Mr. Ullman stated that recent noise measurements show readings in excess of 68.5 decibels, which is more than the 64 decibel standard. He said that air pollution is also a great concern.

Mr. Ullman reported that ADOT says it cannot do mitigation until Loop 303 is upgraded in 2011 to 2015. He said that seniors cannot wait that long. Mr. Ullman requested that MAG please use funds allocated for noise abatement for this project. Chair Cavanaugh thanked Mr. Ullman for his comments.

Chair Cavanaugh recognized public comment from Woody Thomas, who commented on the completion of the Loop 202 that was promised to the voters since the first half cent sales tax. Mr. Thomas stated that MAG's Charter is to use initiative, leadership and understanding of local connectivity to solve problems. Mr. Thomas stated that the County, or possibly the City of Phoenix because of the South Mountain Freeway, could offer the Gila River Indian Community a gesture of good faith and reconciliation. He said that a sincere recognition could go a long way to open the door for discussions. Mr. Thomas suggested the offering could be something the magnitude of the skybox that the County has at Chase Field. Chair Cavanaugh thanked Mr. Thomas for his comments.

Chair Cavanaugh recognized public comment from Joe Ryan, who suggested that MAG create a statewide program to give American inventors an opportunity to invent a new transportation system that would allow land-locked states to compete more effectively with the world's industries. Mr. Ryan noted that it is costly to bring products into such states by trucks that have to travel on congested freeways. Mr. Ryan also suggested that John Shaw's elevated RapiTran system be developed as an alternative. Chair Cavanaugh thanked Mr. Ryan for his comments.

5. Executive Director's Report

Dennis Smith, MAG Executive Director, expressed his thanks to the Town of Paradise Valley for support of the Don't Trash Arizona litter prevention and education program. He said that the Town Council approved the commitment of \$25,000 to the program.

Mr. Smith announced that MAG staff, Heidi Pahl, was the first woman in Arizona to finish the Iron Woman competition.

Mr. Smith noted to members that in light of the recent tragedy at Virginia Tech, he wanted to mention that current and former MAG staff include graduates from that university and have made contributions to the quality of life in the region.

Chair Cavanaugh stated that agenda item #7 would be addressed before action was taken on the Consent Agenda.

7. FY 2007 MAG Mid-Phase Public Input Opportunity

This agenda item was taken out of order. Jason Stephens, MAG Public Involvement Planner, provided a presentation on the FY 2007 MAG Mid-Phase Public Input Opportunity. Mr. Stephens stated that MAG has a four-phase public input process--Early Phase, Mid Phase, Final Phase, Continuous Involvement. He said that the process was adopted in 1994 and enhanced in 1998 and 2006 to ensure Valley residents were provided with multiple opportunities for input into the development of the region's transportation plans and programs.

Mr. Stephens stated that opportunities for input during the Mid-Phase included the Northwest Black History Festival, the Arizona Disability Expo, and the Joint Transportation Open House and Public Hearing. He noted that MAG typically coordinates input efforts with ADOT, Valley Metro and METRO to ensure that residents have an opportunity to speak with all regional transportation entities at the same time. Mr. Stephens stated that representatives from these agencies, along with the Citizens Transportation Oversight Committee and City of Phoenix Public Transit Department, were in attendance at the Joint Transportation Public Hearing. Mr. Stephens provided a summary of questions and comments received: DPS and ADOT need to come up with a photo enforcement plan for the HOV lanes; The South Mountain Freeway should not be allowed to go through the South Mountain Park Reserve; Is there ever going to be rail service to Tucson? You should be looking at Grand Avenue to find corridors for light rail; We need public transportation in Sun City; MAG and ADOT need to explore options for accelerating the Regional Transportation Plan; The Sun Valley Parkway needs to be developed more, not just along the Loop 303; The ramps on the buses are too narrow for some wheelchairs; Input provided by people with disabilities in regard to the bus system isn't being taken into account. Chair Cavanaugh thanked Mr. Stephens for his report. No questions from the Council were noted.

6. Approval of Consent Agenda

Chair Cavanaugh stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Council can request that an item be removed from the consent agenda and considered individually. Chair Cavanaugh stated that agenda item #6J had been removed from the agenda due to no action being taken at the April 19th RPTA Board meeting. He noted that agenda items #6A, #6B, #6C, #6D, #6E, #6F, #6G, #6H, and #6I remained on the consent agenda. Chair Cavanaugh asked members if they had any questions or any requests to hear an item individually. None were noted.

Mayor Shafer moved to approve consent agenda items #6A, #6B, #6C, #6D, #6E, #6F, #6G, #6H, and #6I. Mayor Manross seconded, and the motion carried unanimously.

6A. Approval of the March 28, 2007 Meeting Minutes

The Regional Council, by consent, approved the March 28, 2007 meeting minutes.

6B. ADOT Red Letter Process

The Regional Council approved the Red Letter Process in 1996 to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning, and permits. For information, the ADOT Advance Acquisition policy allows the expenditure of funds to obtain right-of-way where needed to address hardship cases (residential only), forestall development (typical Red Letter case), respond to advantageous offers or, with remaining funds, acquire properties in the construction sequence for which right-of-way acquisition has not already been funded. In addition to forestalling development within freeway corridors, ADOT, under the Red Letter Process, works with developers on projects adjacent to or close to existing and proposed routes that may have a potential impact on drainage, noise mitigation, and/or access. For this purpose, ADOT needs to be informed of

all zoning and development activity within one-half mile of any existing and planned facility. Without ADOT input on development plans adjacent to or near existing and planned facilities, there is a potential for increased costs to the local jurisdiction, the region and/or ADOT. ADOT received 391 Red Letter notifications in the period from July 1, 2006 to December 31, 2006. In addition to the 137 separate examples attached, ADOT has requested a complete set of plans for the developments and a plan review on an additional 144 notifications. The 144 additional notices included zoning changes and/or general plan amendments that would put future developments adjacent or very close to ADOT right-of-way that would cause concerns. The ADOT Red Letter coordinator also received 94 telephone, mail, and/or email notifications of possible impact to the State Highway System. The 94 telephone, mail, and/or email notifications consisted of ten notifications on the Red Mountain; eight on the 303 Loop; forty on the South Mountain; four on the Santan; five on SR-87; four on US-60 (Grand Avenue); two on SR-153, four on the I-17 widening; five on the I-10 widening; two on SR-85; and ten on the I-10 Reliever. This item was on the agenda for information and discussion.

6C. Interim Closeout of the Federal Fiscal Year 2007 MAG Federally Funded Program

The Regional Council, by consent, approved a list of projects to be carried forward from FFY 2007 to FFY 2008 or later and to discuss possible priorities for utilizing MAG federal funds that become available through the FFY 2007 Closeout Process. A revised initial closeout established that member agencies submitted requests to defer approximately \$39.2 million in projects from Federal Fiscal Year (FFY) 2007 to FFY 2008 or later. As a result, the amount of funds available during the interim closeout is approximately \$2.3 million. The amount available for the FFY 2007 closeout may change due to the final MAG region federal fund appropriations. Any changes will be provided to the Regional Council. The deadline for member agencies to submit requests for projects that can utilize these funds by the end of the federal fiscal year is April 26, 2007. The Transportation Review Committee and the Management Committee recommended approval.

6D. Amendment and Administrative Modification to the FY 2007-2011 MAG Transportation Improvement Program

The Regional Council, by consent, approved an Amendment and an Administrative Modification to the FY 2007-2011 Transportation Improvement Program, as listed on the attached tables. The FY 2007-2011 MAG Transportation Improvement Program (TIP) was approved by the MAG Regional Council on July 26, 2006. Since that time, four projects have been identified that need to be amended into the TIP and eight projects need modifications. An amendment is required to add a Maricopa County bridge rehabilitation project on old US-80 Bridge at the Gila River, and add three highway design projects: design traffic interchanges, Loop 303 (Estrella Freeway) at Cactus and Waddell Roads; design traffic interchange, Loop 303 (Estrella Freeway) at Bell Road, and design general purpose lanes, I-17: SR-74 (Carefree Hwy) to Anthem Way. The three highway design projects were included in the ADOT Program changes that were approved by the MAG Regional Council on December 13, 2006. An Administrative Modification is needed to change a City of Chandler Intelligent Transportation System project to upgrade emergency vehicle preemption systems and change the lead agency, revise the project limits for a City of Scottsdale bicycle project. An Administrative Modification is also needed to segment the following highway projects. The acquisition of right of way on I-17: L101 (Pima Fwy) to SR-74 (Carefree Hwy) is to be deleted and replaced with three projects: acquire right-of-way on I-17:

Dixileta Drive to SR-74 (Carefree Highway); acquire right-of-way on I-17: Loop 101 (Pima Freeway) to Happy Valley Road; and acquire right-of-way on I-17: Happy Valley Road to Dixileta Drive. The construction project on I-17: L101 (Pima Fwy) to SR-74 (Carefree Hwy) is to be deleted and replaced with two projects: construct HOV and general purpose lane, I-17: Loop 101 (Pima Freeway) to Jomax Road, and widen freeway, I-17: Jomax to SR-74 (Carefree Hwy). As well, the Loop 101 Pima Freeway: Princess Drive to Loop 202 construction project needs to be modified to reflect new project costs of \$70.7 million. Air quality conformity consultation is considered under a separate agenda item.

6E. Approval of the Draft FY 2008-2012 MAG Transportation Improvement Program for an Air Quality Conformity Analysis

The Regional Council, by consent, approved the Draft FY 2008-2012 MAG Transportation Improvement Program for an air quality conformity analysis. The 1990 Clean Air Act Amendments require that the MAG Transportation Improvement Program (TIP) be in conformance with the applicable air quality plans. All MAG member agencies have been consulted regarding projects and these changes have been incorporated in the draft document, including some new locally and privately funded projects. The draft TIP contains more than 1,700 transportation projects, totals almost \$7.2 billion and identifies federally funded projects, ADOT projects, transit projects (including light rail), and all regionally significant projects within the region. The Transportation Review Committee and the Management Committee recommended approval of the Draft FY 2008-2012 MAG TIP for an air quality conformity analysis. Please refer to the enclosed material.

6F. Approval of the Draft MAG Regional Transportation Plan 2007 Update for an Air Quality Conformity Analysis

The Regional Council, by consent, approved the Draft MAG Regional Transportation Plan (RTP) 2007 Update for an air quality conformity analysis. The 1990 Clean Air Act Amendments require that regional transportation plans and programs be in conformance with applicable air quality plans. To comply with this requirement, approval is being requested to conduct an air quality analysis of the Draft MAG Regional Transportation Plan (RTP) 2007 Update, prior to its consideration for final approval. The Draft RTP 2007 Update has been structured so that it fully complies with the regional transportation planning requirements of the Federal Safe, Accountable, Flexible, Efficient, Transportation Equity Act - A legacy for Users (SAFETEA-LU). These requirements must be met for plans adopted or amended after July 1, 2007. The Draft RTP 2007 Update addresses several new topics to respond to SAFETEA-LU, including consultation on environmental mitigation and resource conservation, transportation security, and an updated public participation process. In addition, it includes revised revenue estimates, and updated life cycle programs for freeways/highways, arterial streets, and transit. The Transportation Review Committee and the Management Committee recommended approval. Please refer to the enclosed material.

6G. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment to the FY 2007-2011 MAG Transportation Improvement Program (TIP). The proposed amendment includes the addition of a Maricopa County bridge rehabilitation project on old U.S. 80 at

the Gila River in FY 2010 and three Arizona Department of Transportation projects on Interstate-17 and Loop 303 in FY 2007. In addition, minor project revisions have been requested for a City of Chandler Intelligent Transportation System project to upgrade emergency vehicle preemption systems, a City of Scottsdale bicycle project, and eight ADOT freeway projects. Comments on the conformity assessment are requested by April 20, 2007. This item was on the agenda for consultation.

6H. Homeless Street Count Results

The MAG Continuum of Care Regional Committee on Homelessness coordinated a countywide homeless street count that took place on January 30, 2007. The information gathered from the count is required to complete the annual U.S. Department of Housing and Urban Development application for McKinney-Vento homeless assistance funding. The information is also used for year-round homeless planning efforts and as a tool to demonstrate a need for housing and services for homeless people in the County. The overall street count for the region increased by 38 percent from last year to this year. This item was on the agenda for information and discussion.

6I. MAG Socioeconomic Projections

In accordance with Executive Order 95-2, MAG is in the process of preparing a new set of socioeconomic projections that will replace the 2003 Interim Projections accepted by the MAG Regional Council in June 2003. Projections are used as input into the MAG transportation and air quality models, MAG transportation plans and programs, and a variety of other regional planning activities. The projections are consistent with the 2005 Census Survey, the Arizona Department of Economic Security Maricopa County control totals approved by the MAG Regional Council in December 2006, and 2007 Municipal Planning Area (MPA) boundaries. The 2010, 2020 and 2030 projections are currently being reviewed by members of the MAG Population Technical Advisory Committee. The projections will be brought to the MAG Management Committee and Regional Council for action in May. This item was on the agenda for information and discussion.

6J. Update on the Regional Office Center

This item was removed from the agenda.

8. Nominating Committee

Chair Cavanaugh noted that each April, the Chair of the Regional Council appoints a five-member Nominating Committee from the Regional Council. According to the Nominating Process, revised by the Regional Council in April 2002, the Nominating Committee develops a slate of seven candidates. Chair Cavanaugh stated that he had appointed Mayor Keno Hawker, as past chair, to serve as Chair; along with Mayor Bobby Bryant, Vice Mayor Dick Esser, Mayor Boyd Dunn, and Mayor Bob Barrett as the other members.

9. Discussion and Update on the Draft FY 2008 MAG Unified Planning Work Program and Annual Budget

Rebecca Kimbrough, MAG Fiscal Services Manager, stated that each year, the MAG Unified Planning Work Program and Annual Budget is developed incrementally and monthly updates are provided to the Management Committee, Executive Committee, and Regional Council from January through May. Ms. Kimbrough noted a revision to the capital budget, which now totals \$400,000.

Ms. Kimbrough reported that the Intermodal Planning Group (IPG) meeting was held on April 12, 2007 and the draft Work Program was reviewed by the federal partners. She said that two recommendations were forthcoming from the review: Include the Human Services Transportation Coordination Plan in the Table of Contents, and add an overview section to the budget document to assist in locating current issues. Chair Cavanaugh thanked Ms. Kimbrough for her report. No questions from the Council were noted.

10. Legislative Update

Matthew Clark, MAG Senior Policy Planner, provided an update on legislative issues of interest. Mr. Clark reported that SB 1591 adds language that states if the light rail system is not completed on or before January 1, 2009, a separate performance audit will be conducted within 12 months after the minimum operating segment has opened. He reported that this bill failed the third read on the House floor on April 19th.

Mr. Clark stated that a strike everything amendment to House Bill (HB) 2486 would permit county residents to establish a road improvement and maintenance district with the purpose of building a community road to less-than-county standards. He commented that this could be a concern if the road falls within an area that is subsequently annexed by a city or town. Mr. Clark stated that it passed the Senate on April 19th and is awaiting third read.

Mr. Clark stated that HB 2682, which would establish a Blue Ribbon Transportation Committee, failed the Senate third read on April 25th. Chair Cavanaugh thanked Mr. Clark for his report and asked members if they had questions.

Mr. Clark stated that as part of the House budget, more than \$60 million was included for the STAN fund. He added that this amount does not include any additional funds from the rainy day fund or bonding change from 20 to 30 years.

Mayor Manross asked what the failure of HB 2682 could mean. Mr. Smith said that the Blue Ribbon Committee would be used by the Legislature to receive the information from the statewide reconnaissance study being conducted. He said that there has been a lot of discussion on how to proceed on a statewide basis to address transportation. Mr. Smith added that things are not completely finished at the Legislature until the end of the session.

11. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Shafer noted that she was proud to say that the City of Surprise opened a sports center for those with special needs. She invited other jurisdictions to bring a team to the facility; they just need to contact the Parks and Recreation Department. Mayor Shafer said that enhancements are planned to accommodate blind athletes.

Mayor Lopez Rogers expressed her thanks to the Nominating Committee for agreeing to serve on the committee. She pointed out that the Committee was not diverse and said that she would appreciate consideration in the future.

Chair Cavanaugh expressed his thanks, on behalf of the MAG Regional Council, to the past Regional Council members for attending the event.

There being no further business, the Regional Council meeting adjourned at 5:50 p.m.

Chair

Secretary